

**Idaho Fish and Game Commission  
Special Meeting  
February 22, 2006  
Fish and Game Headquarters  
Boise, Idaho**

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Cameron Wheeler at 8:01 a.m. with Commissioners Power, McDermott, Gibbs, Wright, Watts and Irby participating.

Present in the Director's Office were Director Steve Huffaker, Deputy Director Terry Mansfield, Sharon Kiefer, Jim Lau, Dallas Burkhalter, Jon Heggen, Roger Fuhrman, and Marilyn Whitney. Mark Taylor from the Panhandle Region joined by phone.

Sharon Kiefer, Legislative Liaison, updated the Commission on recent legislative developments. The focus this week is on House and Senate bills on the Resource Committees' calendars. Legislative analysis sheets were sent to Commissioners via email (Appendix 39, Exhibit 25).

Senate calendar items include continued discussion on SJR106, the Constitutional right to hunt amendment. This was discussed in Committee on Monday but they ran out of time. The Committee has not yet made a recommendation on this legislation.

Also on the Senate Resources calendar today is SB1385, the legislation to expand the criteria to qualify for a reduced cost disabled license. This bill would add a new criteria that an individual be certified as permanently disabled by a physician. This criteria is in addition to the existing criteria already in statute. However, the existing disability criteria include a financial component – SSI, SSDI, veterans, or railroad disability. The addition does not define what would constitute a permanent disability or any standard as to the level of disability a person must meet. This would be left to Commission rule setting or left up to individual physicians to determine.

Commissioner Wright spoke to a number of people regarding SB1386 including the Executive Director of the Idaho Medication Association (IMA) and Russ Newcomb, lobbyist for IMA. He shared with them the staff analysis of the legislative and the letter that was sent to Senators Keough and Sweet, and Representative Eskridge. The IMA does not want to take a stand on this legislation. They feel that physicians need to appear compassionate and are concerned that if they raised an objection to this change, it would cause a negative reaction. Mr. Newcomb suggested that disability might be determined in a similar way to how the Department of Transportation determines eligibility for "blue parking permits." The Director read Commissioners the definition of a "person with a disability" in the Idaho Motor Vehicles Statute 49-117(7)(b).

Commissioners Watts and Wright feel that the Department and Commission have done a great deal to accommodate those with disabilities. Commissioner Power commented that this opens the door to abuse of the system. Commissioner McDermott commented that the current criteria are very specific, but the way this addition is written an individual merely needs a slip of paper from their doctor saying they are permanently disabled.

The Commission has not yet taken a position on this bill. Commissioner Watts commented that the subcommittee included all of the key disability advocacy organizations in the state and shared the

Department position. The concern is the policy implication in shifting to diminished opportunity rather than financial need. Ms. Kiefer indicated she had talked to the bill's sponsor, Senator Keough and explained that this change would create a customer service issue and result in no standard or consistency in the application of the criteria and constituents would likely be treated differently based on their physician's discretion. Commissioners discussed the concern that the Commission may be perceived as being opposed to a bill that would benefit the disabled community. The Department needs to do all we can to let the public know the reasons for their position.

06-13 Commissioner Wright moved and Commissioner Irby seconded a motion **TO OPPOSE SB1385**. The motion carried unanimously.

The Chair asked Commissioners Wright and Watts to assist in communicating the Commission's position

Commissioner Watts left the call at 8:24 a.m.

In further discussion on SJR106, the Director noted that most Senators had seen a copy of Deputy Attorney General Bill von Tegen's opinion on the matter. Virtually all of the testimony in Monday's meeting was neutral or opposed -- not opposed to the idea, but concerned about the results. The Idaho Conservation League, Idaho Wildlife Federation and 2-3 other sportsmen's groups testified that this is not needed and things are good the way they are.

Chairmen Wheeler expressed his opinion that the Commission should stay neutral on this. Commissioner Power commented that the Commission should oppose it if that is, indeed, their position. Chairman Wheeler commented that this is hard to explain why the Commission would oppose the amendment to the average person who doesn't understand the technical aspects of this legislation. He would rather see the Executive Committee and Legislative Committee work the issue and articulate the concerns but not be officially opposed. Commissioners concurred that it would be better to provide comment and express concerns rather than actively oppose the legislation.

The Director noted that staff is contacting states that have passed a right to hunt amendment and asking 1) When was the amendment passed? 2) Have there been any problems? and 3) Would they do it again? A summary of the results will be provided to Commissioners. The Director also noted the email sent to Commissioners from George Doval. In the email, he refers to information the Director gave to Senator Clete Edmunson that this is probably the best language possible if an amendment were to pass.

Discussion ensued on SB1391 which would exempt a minor child with a life threatening medical condition from license requirements and provide for a free permit or tag if they have been certified eligible by a qualified organization. The license exemption will require Commission rule making as it exempts these individuals from the hunter education requirements of a normal license and does not specify the age of the minor child. Rules will need to ensure that the child is accompanied by a licensed adult. The Director noted that he did work with the bill's sponsor, Senator Stennett, on the language and provisions of the bill.

Commissioner Gibbs commented that the Commission and/or Director need to have the ability to give special tags in a quick, timely manner when a pressing need arises.

06-14 Commissioner Gibbs moved and Commissioner McDermott seconded a motion **TO SUPPORT SB1391**. The motion carried unanimously.

The Commission will have follow-up discussion on the issue of Director's tags.

Ms. Kiefer proceeded to SB1386 and SB1387, which are both in front of Senate Resources. These proposals would extend the statute of limitations to 5 years for wrong class license use and violations of unlawfully taking of big game, caribou, and grizzly bear. Both proposals are supported by Citizens Against Poaching (CAP). This legislation would help the Enforcement Bureau in undercover investigation of serious poaching crimes. Often by the time an investigation has proceeded to the point of filing charges, the statute of limitations has expired for the most egregious crimes. These bills are similar to proposals made last year but are more targeted in their approach.

06-15 Commissioner Wright moved and Commission Irby seconded a motion **TO SUPPORT SB1387**. The motion carried in unanimous vote.

06-16 Commissioner Power moved and Commissioner Gibbs seconded a motion **TO SUPPORT SB1386**. The motion carried unanimously.

The Commission discussed House Concurrent Resolution No. 38 regarding the Idaho Birding Trail (IBT). The IBT will be a statewide network to link sites that provide bird viewing opportunities in Idaho. There is a map of the trail with about 200 sites identified. This Resolution is a collaborative effort with federal agencies, private individuals, and Leupold Optics Company. The IBT is consistent with the goals and strategies outlined in the Compass. Birding has the potential to bring economic and educational benefits to the state. Funding comes from the nongame program, and no license dollars are used. Commissioner McDermott asked about the potential to collect money from nongame users. The Director noted that there are ways to raise funds, but it is not easy to define nongame use.

06-17 Commissioner Irby moved and Commissioner Power seconded a motion **TO SUPPORT HCR38**. The motion carried unanimously.

Ms. Kiefer reported on HB545, which Commissioner McDermott had inquired about on last week's call. It will be on the House Resources and Environment Committee calendar tomorrow. This bill would initiate water rights adjudication in North Idaho. There is fiscal effect to the Department is estimated to be approximately \$12,000 in Fiscal Year 2008.

One other bill of interest is HO609, which addresses any new specialty license plates approved after January 2007. This legislation stipulates a \$6,000 set up fee and that all proceeds of the sale of specialty plates would go to the Department of Transportation (DOT) and not be shared with the sponsoring entity. This legislation does not include a grandfather clause and would not affect existing specialty plates. This bill is essentially to discourage the introduction of new specialty license plates which is a burden on DOT. This is not an issue the Commission needs to take a position on.

Ms. Kiefer reported on HO571 dealing with how veteran preference is applied in the hiring process. This legislation will require some administrative changes but will make it easier for the Department to apply the provisions of this law.

Items of interest on the House Resources Calendar include:

HO640 to clean up the code reference relative to the transfer of funds to the Animal Damage Control account.

HO523, the Department sponsored legislation to give the Commission authority to assess a surcharge for bonus points. Ms. Kiefer commented there was no discussion when the RS went to print. More questions are likely to be raised about the Rules that will define a bonus point system and the timing of a fee bill. Staff is prepared to answer those questions. This bill has not been assigned a sponsor yet. Representative Moyle is very supportive and Representative Wood moved to print the bill.

Other items of interest to the Commission were discussed. HJM10 dealing with delisting alternatives for wolves and HJM11 regarding the Department's request to land helicopters in the wilderness have passed both the House and Senate. SB1258, the proposal to allow an institutional fishing permit, is waiting for a calendar date. SB1283 to roll back the increase in the senior license fees is pending additional Senate Committee discussion. The Committee did start a discussion last week, but Chairman Schroeder cut it short and said he would be introducing a fee bill which is expected to be introduced this week.

The Director reported that Senator Schroeder's concept is to roll the senior license back to \$4 and take all other licenses and tags and round them up to the next highest dollar. After doing the financial analysis on the effect on the Department, it still leaves a deficit of about \$31,000. The larger issue is that sportsmen have no knowledge of this, and they will likely perceive this as a fee increase. The result could be that the Department will not be able to pursue a fee increase next year. Depending on what happens with CEC and the new license system, the Department may need an adjustment. This proposal also opens the door to other groups who think they can get their constituents a break on license fees.

Commissioners discussed how they can convince Senate Resource Committee members that this is bad legislation. If members of the Commission are comfortable, they can call individual members on the Committee and share their concerns. The Director will ask Senator Schroeder to let the Department know when the Committee discussion will occur so the Commission can be notified. The Commission expressed the need for a strong effort to get this killed.

JFAC is expected to act on the Department's budget on February 24. Ms. Kiefer will find out who is carrying the Department budget. There has not been a subcommittee meeting on the budget and there have been no questions. The Director and Chairman Wheeler commented that legislators seem to feel the Department has been honest about the budget and that the Department is reaching a point where there is no slush fund to fall back on. This could be a good sign with respect to future budget approval and future increases. Jim Lau, Chief of the Administration Bureau, will have a budget report at the March Commission meeting.

Commissioner Gibbs commented that he briefly discussed with Idaho's Congressional Delegation the issue of landing helicopters in the wilderness. He talked to Representative Simpson, who did not seem to have any knowledge of the situation and was very sympathetic. The Director noted that Terry Mansfield and Jon Beals are going to Washington, DC, next week. They will be meeting with the Congressional delegation about nongame funding and other issues of importance to the Department and the state.

Jim Lau mentioned that the bonus points subcommittee would have a phone conference later in the morning. The Director reminded Commissioners that there will be no call next Wednesday morning.

The meeting adjourned at 9:18 a.m.